



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

WHITEHEAD

Atty. Ref.: 3813-3; Confirmation No. 7263

Appl. No. 09/863,010

Group: 3625

Filed: May 23, 2001

Examiner: Y. Garg

For: SERVICE SUBSCRIPTION SERVICE BUSINESS

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September 10, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT  
AND ELECTION OF SPECIES**

In response to the Restriction Requirement and Election of Species Requirement dated August 25, 2004, Applicant elects the subject matter of Group I, claims 1-13, 21 and 22, with traverse. Applicant also elects the species of claim 12.

Applicant respectfully submits that the subject matter of all claims 1-22 is sufficiently related that a thorough search of the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "[i]f the search and examination of the entire application can be made without


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serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

With regard to the Election of Species Requirement, Applicant respectfully submits that claims 1, 3-5, 12 and 13 read on the elected species and that at least claim 1 is generic to all species.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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